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U.S. DEPARTMENT OF COMMERCE  
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**UTILITY PATENT APPLICATION  
TRANSMITTAL LETTER  
UNDER 37 C.F.R. 1.53(b)**

ATTORNEY DOCKET NO.:  
10746/33A

Address to:  
Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Transmitted herewith for filing is the divisional patent application of

Inventor(s): Susumu KONDO, Matsuyuki OGASAWARA, Ryuzo IGA,  
Yasuhiro KONDO, Yoshio NOGUCHI, Masahiro YUDA,  
Ken TSUZUKI, Satoshi OKU.

For : **SEMICONDUCTOR OPTICAL DEVICE AND THE FABRICATION  
METHOD**

Enclosed are:

1. 1 cover sheet, 42 sheets of specification, 4 sheets of claims, and 1 sheet of abstract (as originally filed).
2. 21 sheets of drawings.
3. Preliminary Amendment.
4. Declaration and Power of Attorney (copy from prior application (37 CFR 1.63(d)) (See paragraph 5 below).
5. Incorporation by Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under paragraph 4 above is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. **RELATED/PRIORITY APPLICATION INFORMATION:**  
This application claims the benefit and priority of and is a division of U.S. Patent Application Serial No. 10/124,835, filed April 18, 2002, which claims foreign priority benefits under 35 U.S.C. § 119 of Japanese Patent Application No. 2001-119443, filed April 18, 2001; Japanese Patent Application No. 2001-141184, filed May 11, 2001 and Japanese Patent Application No. 2001-269934, filed September 6, 2001, all of which are incorporated herein by reference.

7. The filing fee has been calculated as shown below after entry of the Preliminary Amendment:

	NUMBER FILED	NUMBER EXTRA*	RATE (\$)	FEE (\$)
BASIC FEE				770.00
TOTAL CLAIMS	5 - 20 =	0	18.00	0.00
INDEPENDENT CLAIMS	2 - 3 =	0	86.00	0.00
MULTIPLE DEPENDENT CLAIM PRESENT			290.00	0.00
*Number extra must be zero or larger			TOTAL	770.00
If applicant is a small entity under 37 C.F.R. §§ 1.9 and 1.27, then divide total fee by 2, and enter amount here.			SMALL ENTITY TOTAL	0.00

8. Please charge the required application filing fee of **\$770.00** to deposit account number **11-0600**.
9. The Commissioner is hereby authorized to charge payment of the following fees, associated with this communication or arising during the pendency of this application, or to credit any overpayment to deposit account number **11-0600**.
- A. Any additional filing fees required under 37 C.F.R. § 1.16;
  - B. Any additional patent application processing fees under 37 C.F.R. § 1.17;
  - C. Any additional patent issue fees under 37 C.F.R. § 1.18;
  - D. Any additional document supply fees under 37 C.F.R. § 1.19;
  - E. Any additional post-patent processing fees under 37 C.F.R. § 1.20; or
  - F. Any additional miscellaneous fees under 37 C.F.R. § 1.21.
10. A duplicate of this sheet is enclosed.

Dated: 2/9/2004

By: 

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